

DOCKET NO. : GLIS-0128



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In Re Reissue Application of:

Chris Buhr, Mark Matteucci, Norbert W.  
Bischofberger and Brian Froehler

U.S. Patent No.: 5,672,697

Issued: September 30, 1997

Serial No.: 652,978

Group Art Unit: 1623 \*

Filing Date: February 8, 1991

Examiner: G. Kunz \*

Reissue Serial No.: 09/408,396

Reissue Filing Date: September 29, 1999

For: NUCLEOSIDE 5'-METHYLENE PHOSPHONATES

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

COMBINED REISSUE APPLICATION DECLARATION AND POWER OF  
ATTORNEY BY INVENTOR(S) OR ASSIGNEE<sup>1</sup>

## Declaration by Inventor(s):

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;  
and

I verily believe that I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed in letters patent number **5,672,697** granted on **September 30, 1997** and in the foregoing specification and for which invention I solicit a reissue patent;

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\* Enter the Group Art Unit and Examiner from which the original patent was issued.

<sup>1</sup> This declaration must be accompanied by Consent of Assignee for Reissue and Assignee's Statement of Ownership Interest.

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**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose all information known to be material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

☐ In compliance with this duty attached herewith is an Information Disclosure Statement in accordance with 37 C.F.R. § 1.97.

**PRIORITY CLAIM**

I hereby claim foreign priority benefit under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed.

☐ No such applications have been filed.

☐ Such applications have been filed as follows:

Country	Application No.	Date Filed	Priority Claimed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT**  
**37 C.F.R. §1.175**

That I believe the original patent to be

- ☒ partly  
☐ wholly

inoperative or invalid by reason of

- ☐ a defective ☐ specification, ☐ drawing, ☐ both  
☒ said patent claiming

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☐ more☒ less

than patentee had a right to claim.

The scope of the claims of the original patent

☒ are enlarged☐ are not enlargedby this reissue application.<sup>2</sup>

In particular, patentees erred in not claiming the chemical compounds set forth in claims 9-26.

Note: Here, the Declarant must state at least one error in the original patent and describe it, e.g., "by reason of a defective specification or drawing" or "by reason of the patentee claiming more or less than he had the right to claim in the patent," particularly specifying the defects and distinctly specifying the excess or insufficiency in the claims. It is no longer required to specify details as to how the error arose or occurred. If any errors are corrected during reissue prosecution that were not specified herein, a Supplemental Reissue Declaration must be filed prior to allowance in compliance with 37 C.F.R. §1.175.

All errors being corrected in this reissue application up to the time of filing of this declaration under 35 CFR §1.175(a) arose without any deceptive intention on the part of the applicant.

#### OFFER TO SURRENDER ORIGINAL PATENT 37 C.F.R. §1.178

Applicant hereby offers to surrender the original patent, the reissue of which is sought herein.

#### POWER OF ATTORNEY

I hereby appoint the following persons as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

John W. Caldwell

Registration No. 28, 937

Joseph Lucci

Registration No. 33,307

of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46<sup>th</sup> Floor, Philadelphia, Pennsylvania 19103 and

<sup>2</sup>35 U.S.C. §251 forbids enlarging the scope of the original claims unless the reissue application is filed within two years of the grant of the original patent.

**DOCKET NO. : GLIS-0128****PATENT**

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Philadelphia, PA 19103


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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


<b>Name:</b> Chris Buhr	 <b>Signature</b>
<b>Mailing Address:</b> 355 Belmont Avenue	<b>Date of Signature:</b> 12/20/99
<b>City/State of Actual Residence:</b> Redwood City, CA 94061	<b>Citizenship:</b> U.S.A.

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<b>Name:</b> Mark Matteucci	 <b>Signature</b>  <b>Date of Signature:</b> <u>1/24/00</u>  <b>Citizenship:</b> <u>U.S.A.</u>
<b>Mailing Address:</b> 135 Fawn Lane	
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<b>Name:</b> Norbert W. Bischofberger	 <b>Signature</b>  <b>Date of Signature:</b> <u>12-17-1999</u>  <b>Citizenship:</b> <u>U.S.A.</u>
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<b>Name:</b> Brian Froehler	 <b>Signature</b>  <b>Date of Signature:</b> <u>1/11/00</u>  <b>Citizenship:</b> <u>U.S.A.</u>
<b>Mailing Address:</b> 12635 Water Lily Way	
<b>City/State of Actual Residence:</b> Reno, NV 89511	

Note: Even though inventor(s) do not sign, complete above information for inventor(s).

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Chris Buhr, *et al.*

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Filed: September 29, 1999

Examiner: Not Yet Assigned

For: NUCLEOSIDE 5'-METHYLENE  
PHOSPHONATES

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

ASSOCIATE POWER OF ATTORNEY

The undersigned, of the firm WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania  
19103, Attorney and/or Agents for Applicant(s), hereby appoints the following:

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		Mark J. Rosen	Registration No. 39,822

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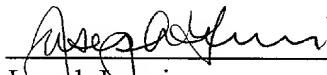
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Vincent J. Roccia        Registration No. 43,887  
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his/her associates with full power to prosecute the above-identified application and to transact all business in the Patent Office connected therewith and requests that correspondence continue to be directed to the firm of WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP at the above address.

Date: January 28, 2000

  
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